

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3318 of 1985

Date of decision: 8-12-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

D P SONI

Versus

MAGANBHAI L PATEL

Appearance:

MR NK MAJMUDAR for Petitioner
None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/12/97

ORAL JUDGEMENT

Heard the learned counsel for the petitioner and perused the special civil application.

Prayer has been made by the petitioner for quashing and setting aside the order annexure-G dated 5-6-1985, with further prayer for preparation of fresh seniority list of work charged employees and to include the name of the petitioner therein and to absorb her in the regular establishment against permanent post. Under order annexure-G the services of the petitioner have been terminated.

2. This court has on 12th June, 1985 issued notice in this petition and interim relief in terms of para 16(d) has been granted. So the respondents were restrained from implementing the order annexure-D dated 5-6-1985.

3. Learned counsel for the petitioner made statement before this court that during the pendency of this special civil application services of the petitioners were regularised in the year 1994, and the only claim of the petitioner that survives is to treat her services continuous for all purposes since the date she entered in the service of the respondents.

4. No body is present in the court to controvert the aforesaid statement made by the learned counsel for the petitioner. In view of the fact that during the pendency of this special civil application the services of the petitioner were regularised, now nothing substantial survives in this special civil application. So far as the grievance of the petitioner for considering her past service as regular service for all purposes, it is a matter to be decided by the respondents in accordance with law, for which the petitioner is at liberty to make representation. In case such a representation is made, then the same shall be decided on merits and, if her prayer is not accepted, a reasoned order shall be passed by the concerned authority as early as possible and copy of the same shall be sent to the petitioner by registered post. In case of difficulty, liberty is granted to the petitioner to revive the special civil application. The special civil application and the rule stand disposed of accordingly. No order as to costs.

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